

LAW OFFICES OF
MITCHELL J. MALZBERG

A Limited Liability Company
ATTORNEY AT LAW

Mitchell J. Malzberg *

*Admitted in NJ and PA

P. O. Box 5122
Clinton, NJ 08809
Physical Address:
6 E. Main Street, Suite 7
Clinton, NJ 08809

Telephone (908) 323-2958
Facsimile (908) 933-0808

E-mail: mmalzberg@mjmalzberglaw.com
Website: www.mjmalzberglaw.com

November 19, 2019

Honorable Kathryn C. Ferguson, USBJ
United States Bankruptcy Court
District of New Jersey
402 E. State Street
Trenton, NJ 08608

RE: DUBELL LUMBER COMPANY
Chapter 7, Case No. 19-29120/KCF
Response to Order to Show Cause
Return Date: November 26, 2019 at 10:00 a.m.

Dear Judge Ferguson:

Please accept the within response in lieu of a more formal reply in opposition to the Court's Order to Show Cause. The undersigned serves as counsel to the Petitioning Creditors who in aggregate hold claims in the amount of \$1,042,490.80. The Petition has been duly served per the Certificate of Service, (Docket No. 8). There has been no opposition or an answer filed to the Involuntary Petition and the Summons that was served upon the Debtor's representative. The Debtor is no longer operating but was a family owned business that was around for generations with multiple locations and lumber yards.

Upon information and belief there are potential assets and causes of action to be pursued for the benefit of the estate and creditors. The Petitioning Creditors have filed this Involuntary Petition and seek the Order for relief to be entered along with the appointment of a Chapter 7 Trustee. Along with the Order of relief for the Chapter 7 proceeding, the Petitioning Creditors request that the Order of this Court provide that the Debtor shall be compelled to file the bankruptcy schedules within 20 days from entry of the Order for relief. If the Debtor does not abide by the Order of this Court and/or the Trustee cannot compel the Debtor to file the schedules, the Petitioning Creditors will file schedules based on the information that is available to them. This court should not dismiss this Involuntary Petition as same is prejudicial to the Creditors and, as such, it is respectfully requested that this Court enter an Order for relief of this involuntary bankruptcy and the appointment of a Chapter 7 Trustee. Allowing for a dismissal of this action is not in the best interest of the estate and creditors.

Respectfully submitted,
/s/ Mitchell Malzberg
MITCHELL MALZBERG, ESQ.

MM/dl